

REMARKS

Applicants respectfully acknowledge receipt of the Final Office Action mailed July 26, 2006 and the Advisory Action mailed October 20, 2006.

In the Final Office Action, the Examiner rejected claims 1-5, 10-14, and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Fujimoto et al.* (U.S. Patent No. 6,370,915); allowed claims 23-49; and objected to claims 7-9 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the Advisory Action, the Examiner asserted “[w]hile the insertion of intended use language in claim 1 clears up possible 112 2nd problems, they broaden the scope of the invention and would require further consideration.” (*Advisory Action*, p. 3).

On October 26, 2006, Applicants' representative called the Examiner to discuss why the Amendment After Final filed on September 26, 2006 was not entered and considered by the Examiner. In the Final Office Action, the Examiner did not reject the claims under 35 U.S.C. § 112, second paragraph in the Final Office Action. In addition, in the Amendment After Final filed on September 26, 2006, independent claim 1 was not amended to broaden the scope of the invention. Rather, claim 1 was amended to recite, *inter alia*, “wherein a porous material is provided at least at a portion of the inner circumferential plane of the through hole.” Consequently, the Examiner agreed with Applicants' representative that he should have entered and considered the Amendment After Final. Accordingly, Applicants resubmit herewith a Second Amendment After Final incorporating the claim amendments and arguments presented in the Amendment After Final filed on September 26, 2006, for the Examiner's reconsideration.

By this Amendment, Applicants propose to amend claims 1, 4, 5, 8-11, 14, 23-26, 28, 32, 35, 36, 38, 41, 43, 44, 46, and 49 to correct informalities and improve form. Upon entry of this Amendment, claims 1-5, 8-14, 17, and 23-49 will remain pending. Of these claims, claims 1, 23, 32, and 43 are independent. Claims 15 and 16 were previously canceled, without prejudice or disclaimer, in the "Preliminary Amendment" filed June 6, 2005; claim 30 was withdrawn from consideration in the "Response to Restriction Requirement" filed June 6, 2005; and claims 6 and 18-22 were previously canceled, without prejudice or disclaimer, in the "Reply to Office Action" filed May 12, 2006. Applicants note that since the Examiner has allowed independent claim 23, Applicants are entitled to the reconsideration and allowance of withdrawn dependent claim 30.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to claims 1, 4, 5, 8-11, 14, 23-26, 28, 32, 35, 36, 38, 41, 43, 44, 46, and 49. No new matter has been introduced.

Applicants gratefully acknowledge the Examiner's allowance of claims 23-49.

Applicants also acknowledge the Examiner's indication of allowable subject matter in claims 7-9. Consequently, Applicants have amended claim 1 to include the feature of allowable claim 7, and have cancelled claim 7. Accordingly, independent claim 1 is in condition for allowance. In addition, claims 2-5, 8-14, and 17 are in condition for allowance at least due to their dependence from independent claim 1.

I. 35 U.S.C. § 103(a) REJECTION

Claims 1-5, 10-14, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fujimoto*. Applicants respectfully traverse the rejection.

Although Applicants do not necessarily agree with the Examiner's rejection, Applicants have amended claim 1 to include the feature of allowable claim 7. It is that feature which the Examiner admits is not disclosed in either *Fujimoto* or any other prior art of record. (*Final Office Action*, p. 4, paragraph 4). Applicants therefore request that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn and claim 1 be allowed.

Moreover, claims 2-5, 8-14, and 17 are in condition for allowance at least due to their dependence from independent claim 1. In addition, the dependent claims may recite unique combinations that are neither disclosed nor suggested by the cited art, and therefore are separately patentable.

II. CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-5, 8-14, 17, and 23-49 in condition for allowance. Applicants submit that the proposed amendments of claims 1, 4, 5, 8-11, 14, 23-26, 28, 32, 35, 36, 38, 41, 43, 44, 46, and 49 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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